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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,322	06/15/2000	Antonio Nevarez	9049.00	8854

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JAMES M. STOVER  
NCR CORPORATION  
1700 SOUTH PATTERSON BLVD, WHQ4  
DAYTON, OH 45479

EXAMINER

BACKER, FIRMIN

ART UNIT PAPER NUMBER

3621

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/594,322	NEVAREZ, ANTONIO	
	Examiner	Art Unit	
	FIRMN BACKER	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 15<sup>th</sup>, 2005 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 and 13-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Butler et al (U.S. Patent No. 6,401,091 B1).

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5. As per claim 1, Butler et al teach a method for use in improving profitability of one or more business entities, comprising receiving business-related data (*business information abstracts*), from at least two unrelated business entities, where the business related data describes one or more aspect of the operations of each of the business entities; storing at least some of the business-related data (*business information abstracts*) from each of the business entities in a common database (*data storage system, business information dataset, 10*); and in accordance with the terms of an agreement among the business entities, allowing at least one of the business entities to receive information gathered from the common database (*data storage system, 10*), where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

6. As per claim 2, Butler et al teach a method where allowing one of the business entities to receive information gathered from the common database includes gathering at least some of the information from data received from a business entity other than the one receiving the information (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

7. As per claim 3, Butler et al teach a method where allowing one of the business entities to receive information gathered from the common database includes granting that business entity permission to gather the information directly from the common database (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

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8. As per claim 4, Butler et al teach a method where allowing one of the business entities to receive information gathered from the common database includes gathering the information on behalf of the business entity and then delivering the information to the business entity (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

9. As per claim 5, Butler et al teach a method where storing data in the common database includes storing the data in a database maintained by an entity in the business of providing data warehousing services (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

10. As per claim 6, Butler et al teach a method of granting unrestricted access to the common database only to a third party named in the agreement among the business entities (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

11. As per claim 7, Butler et al teach a method where storing data in the common database includes storing the data in a scalable data warehouse (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

12. As per claim 8 and 9, Butler et al teach a method where storing data in the common database include storing the data in a warehouse having a total capacity of at least approximately one to hundreds terabyte (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

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13. As per claim 10, Butler et al teach a method where receiving business-related data includes receiving data that describes the customers of at least one of the business entities (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

14. As per claim 11, Butler et al teach a method where receiving business-related data includes receiving data that describes the products offered by at least one of the business entities (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

15. As per claim 13, Butler et al teach a method where receiving business-related data includes receiving consumer data and product data from the business entities (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

16. As per claim 14, Butler et al teach a method where receiving business-related data includes occasionally receiving new data from the business entities (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

17. As per claim 15 and 16, Butler et al teach a method where receiving business-related data includes receiving data that is also stored in a private data warehouse maintained by/on behalf one of the business entities under a data-warehouse services agreement (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

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18. As per claim 17, Butler et al teach a method of negotiating the agreement among the business entities in the group (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

19. As per claim 18, Butler et al teach a method for use in operating a consortium among a number of distinct and unrelated business entities, the method comprising: collecting business related data (*business information abstracts*) gathered by the unrelated business entities, where the business-related data describes one or more aspects (*business information abstracts*) of the operations of each of the business entities, applying an agreement negotiated among the entities for controlling the business-related data in a shared data warehouse (*data storage system, 10*), executing information from the pooled data in accordance with terms of the negotiated agreement, where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement; and delivering at least some of the extracted information to each of the business entities in the consortium (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

20. As per claim 19, Butler et al teach a method that included pooling the data into a data warehousing system owned by a third party who does not contribute any of the pooled data (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

21. As per claim 20, Butler et al teach a method of pooling the data into a data warehousing system owned by a third party who is in the business of providing data warehousing services (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

22. As per claim 21-23, Butler et al teach a method of applying an agreement drafted to include terms governing the types of data to be placed in the shared data warehouse, access to the shared data warehouse, types of information can be extracted from the shared data warehouse (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

23. As per claim 24, Butler et al teach a method applying an agreement drafted to include terms providing for payment of money in exchange for services provided by a third party selected to maintaining the shared data warehouse (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

24. As per claims 25 and 26, Butler et al teach a computer network comprising one or more channels for use in receiving business-related data from at least two unrelated business entities where the business-related data describes one or more aspects (*business information abstracts*) of the operations of each of the business entities and a shared comprising a storage facility (*data storage system, 10*) in which at least some of the business-relaxed data received from each of the business entities is stored a mechanism for use in granting database access only in accordance with the terms of an agreement among the business entities; and a computer system configured to gather information from the shared database when instructed to do so by a party having access to the database, where the information includes data described some aspect of a business relationship between at least one of the business entities and another entity that is not party to the



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agreement; and deliver the information to at least one of the business entities (*see abstract, column 2 lines 30-67, 3 lines 24-59*).

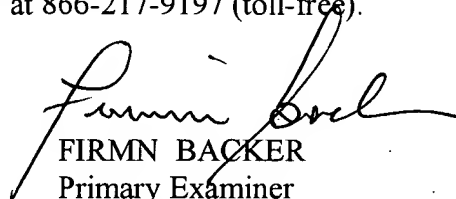
### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
FIRMN BACKER  
Primary Examiner  
Art Unit 3621

November 8, 2005